

July 5, 2023 Town Board Work Session Agenda

OPEN SESSION

- IV-1 9:00 Heather Lanza, Planning Director and Kristie Hansen-Hightower, Town Comptroller (via Zoom) re: Planning Board SEQRA Budget
- IV-2 9:15 Michael Collins, Town Engineer re: Update on CDBG Projects
- IV-3 9:30 John Sepenoski, GIS Technician re: Bay to Sound Trails Phase 4 Skipper Horton Park Site Plan
- IV-4 Councilwoman Sarah Nappa re: Transportation Commission Follow-Up on Rational Speed Limits and other Transportation Commission Requests
- IV-5 Supervisor Russell re: Draft Language Short-Term Rentals in Residential Zones
- IV-6 Supervisor Russell re: Discussion on Short-Term Rentals in Commercial Zones

EXECUTIVE SESSION

- IV-7 Potential Acquisition(s), Sale or Lease of Real Property Where Publicity Would Substantially Affect the Value Thereof
 - 11:00 -Lillian McCullough, Land Preservation Executive Assistant
- IV-8 Labor-Matters Involving the Potential Contract/Agreement with a Particular Corp.
 - 11:30 -Heather Lanza, Planning Director
- IV-9 Labor- Matters Involving the Employment of a Particular Person(s)
 - 11:45 -Michael Collins, Town Engineer
 - 12:00 -Dan Goodwin, Highway Superintendent
 - 12.15 -Chief Martin Flatley
 - 12:30 -Jim Bunchuck, Solid Waste Coordinator
 - Councilwoman Sarah Nappa re: Transportation Commission
 - Paul DeChance, Town Attorney re: P/T Code Enforcement Officer

Planning Board

SEQRA Budget Line Discussion July 5, 2023

Background:

The Planning Board as Lead Agency under SEQRA must prepare a Final Environmental Impact Statement (FEIS) for the Strong's Storage Buildings site plan application. A consultant must be hired for this work due to the complexity, technical specialties, and volume of work involved to complete the FEIS in a timely manner as required under state law.

Planning Board SEQRA Budget Line Insufficient Funds

- Funds Required: \$100,000
- Available Balance: \$ 25,000
- Budget Modification Requested: \$75,000

Planning Board SEQRA Reimbursement Line Modification

- Currently: \$30,000
- Increase to \$83,500

Amount not covered by the SEQRA reimbursement: \$29,000

Considerations for the Town Board:

- Increase the Planning Department's SEQRA budget line to allow this work to proceed.
- Use funds from the fund balance to accommodate the amount that cannot be collected as reimbursement from the applicant due to NY State law limiting this amount to ½ of one percent of the total project value. That is the source of the \$83,500 figure above in the reimbursement line amount.

Bay to Sound Trails Phase 4 Skipper Horton Park Site Plan

IV-3
7-5-23



Trails

- ADA Upgrade 1530 ft
- ADA New 925 ft
- P Parking Areas

Bay to Sound Trails Phase 4 Skipper Horton Park Improvements

- ADA walking paths & parking
- Two new kiosks
- Removal & restoration of abandoned highway
- Removal of abandoned pipes, utility poles & trash
- Native plantings

Town Street Speed Limits
Rt. 25 to Rt. 48

Street	Speed Limit	Posted N/B	S/B	Chief MF Comments	RW Comments	Commission Votes
Aldrich Lane, Mattituck	40	yes	yes	70% farmland on road	fields, kids might bike. 31 houses not counting Harvest Ln subdivision w/no other connection to #25	30-3 35-6
Love Lane, Mattituck	?	no	no	yellow speed sign N/B with 20 mph warning	All retail, walking	N/A N/A
Wickham Avenue, Mattituck	35	yes	no	appropriate speed	no sidewalks, cut-through traffic, 11 houses.	30-4 35-4
Mill Lane, Mattituck	?	no	no	all farmland suggest 35 mph	All farmland, nice bike route to Oregon Rd.	30-3 35-6
Elijah's Lane, Mattituck	30	yes	yes	80% residential appropriate	31 houses.	30-6 35-1
Alvah's Lane, Cutchogue	30	yes	yes	75% farmland 35 mph appropriate	31 houses. Farms might expect workers to arrive by bike.	30-5 35-4
Depot Lane, Cutchogue	40	yes	yes	50% farmland reduce to 35 mph	health club, Red Rooster, BnB & other businesses might expect walk/bike use. 30	30-3 35-6

IV-4
7-5-23

Rt. 25 to Rt. 48

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Town Street Speed Limits

Rt. 25 to Rt. 48

Young's Avenue, Southold	35	yes	yes	appropriate	KK station, 9/2 senior homes in Founders, 21	30-3	35-6
Boisseau Avenue, Southold	35	yes	yes	appropriate	Retail/business nr. #25, 27 houses.	30-4	35-4
Street	Speed Limited	N/	S/B	Comments			
Albertson Lane, Greenport	30	no	yes	Rural farms/woods should be 35 mph to be consistent with other roads	Only 8 houses but only access to about 40 from west side access to nature preserve, curve, 19 houses.	30-4	35-5
Chapel Lane, Greenport	?	no	no	short road/ bend at middle 35 mph appropriate		30-5	35-4
Moores Lane, Greenport	30	yes	yes	Greenport Village Road	from park. Many residents in Pheasant Run walk on path, popular bike route.	N/A	N/A

§ 207-1 **Legislative intent.**

- A. The Town Board of the Town of Southold has determined that there exists in the Town of Southold serious conditions arising from nonowner occupied rental of dwellings, dwelling units and amenities units in one, two and three family and multiple dwellings that are substandard or in violation of the New York State Uniform Fire Prevention and Building Code, Uniform Fire Prevention and Building Code Administration and Enforcement Law of the Town of Southold, Building Rehabilitation Code, Electrical Code, Fire Prevention Code, Plumbing Code, and other codes and ordinances of the Town. Many of these rentals dwellings are inadequate in size, overcrowded and dangerous, and such dwelling units pose hazards to life, limb and property of residents of the Town and others, tend to promote and encourage deterioration of the housing stock of the Town, have resulted in a degradation in quality of life issues to surrounding property owners, create blight and excessive vehicle traffic and parking problems and to overburden municipal services. The Board finds that current Code provisions are inadequate to halt the proliferation of such conditions and that the public health, safety, welfare and good order and governance of the Town will be enhanced by enactment of the regulations set forth in this chapter.
- B. Nothing herein shall be interpreted to supersede any requirements contained in Chapter 280, Chapter 100 or any other chapter of the Town Code of the Town of Southold.

§ 207-2 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

CODE ENFORCEMENT OFFICIAL

The official who is charged by the Town Board with the administration and enforcement of this chapter, or any duly authorized representative of such person, including but not limited to the Building Inspector, Chief Building Inspector, Principal Building Inspector, Senior Building Inspector, Building Permits Examiner, Zoning Inspector, Electrical Inspector, Plumbing Inspector, Fire Marshal, Fire Marshal I, Fire Marshal II, Chief Fire Marshal, Town Investigator, Senior Town Investigator, Ordinance Enforcement Officer or Ordinance Inspector of the Town of Southold, Stormwater Manager, Town Engineer and such person(s) shall be certified as a New York State Code Enforcement Official; Code Enforcement Officer.

DWELLING

A building designed exclusively for residential purposes.

DWELLING, MULTIPLE-FAMILY

A building, other than an apartment house, designed for and occupied as a residence by three or more families living independently of each other.

DWELLING, ONE-FAMILY

A detached building designed for and occupied exclusively as a home or residence by not more than one family.

DWELLING, TWO-FAMILY

A building arranged, designed for or occupied exclusively as a home or residence for not more than two families living independently of each other.

DWELLING UNIT

A single unit within a building or structure providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

IMMEDIATE FAMILY

The immediate family of the owner of a housing unit consists of the owner's spouse, domestic partner, children, parents, grandparents or grandchildren, siblings, uncles, aunts, nieces, nephews, cousins and in-laws.

OWNER

Any person, partnership, corporation or other entity who, alone or jointly with others, shall have legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control; including but not limited to a bank or lending institution, regardless of how such possession, title or control was obtained.

RENT

A return, in money, property or other valuable consideration (including payment in kind or for services or other thing of value), for use and/or occupancy or the right to use and/or ~~occupancy~~ occupy a dwelling unit and/or any portion of a property, including accessory structures, uses or amenities, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

RENTAL DWELLING UNIT

A dwelling unit established, occupied, used or maintained for rental occupancy

RENTAL OCCUPANCY

The occupancy or use of a dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use.

RENTAL OCCUPANCY PERMIT

A permit which is issued upon application to the Code Enforcement Officer designated by the Town Board with the administration of this chapter and shall be valid for 24 months from the date of issuance.

§ 207-3 Fees.

Rental permit fees shall be set by the Town Board by resolution.

§ 207-4 Smoke detectors and carbon monoxide detectors.

Each rental dwelling shall be equipped with functioning smoke detectors and carbon monoxide detectors, in compliance with New York State Uniform Fire Prevention and Building Code.

§ 207-5 Inspections.

- A. No permit shall be issued under any application unless the rental dwelling unit has a valid certificate of occupancy or pre certificate of occupancy.
- B. The Code Enforcement Official is authorized to make or cause to be made inspections, to determine the condition of dwellings and to safeguard the health, safety, and welfare of the public. The Code Enforcement Official or his designated representative is authorized to enter the subject premises upon the consent of the owner.
- C. Search without warrant restricted. Nothing in this chapter, except for provisions concerning emergency inspections, shall be deemed to authorize the Code Enforcement Official or his authorized representative to conduct an inspection of any premises subject to this chapter without the consent of the owner of the premises or without a warrant duly issued by an appropriate court.
- D. Conflict with other chapters or law. Nothing in this chapter shall be construed to negate the authority for inspections pursuant to any other section of law or court-ordered inspection.

- E. Presumption of rent. Any dwelling, dwelling unit, rooming house, rooming unit or any other premises subject to this chapter shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof. This presumption shall be rebuttable.

§ 207-6 Application for search warrant.

The Code Enforcement Official or his designated representative is authorized to make application to the Town of Southold Justice Court or Supreme Court of Suffolk County, or any court of competent jurisdiction, for the issuance of a search warrant in order to conduct an inspection of any premises covered by this chapter where the owner refuses or fails to allow an inspection of its rental premises and where there is reasonable cause to believe that a violation of this chapter has occurred. The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.

§ 207-7 Rental permit required.

- A. It shall be unlawful for any rental occupancy to exist in any dwelling without the owner's first having obtained a rental permit from the Code Enforcement Official. **The rental of any parcel amenity, accessory use or yard area, including pools, barns, sports courts or waterway access, not in conjunction with a permitted rental unit occupancy, is at all times prohibited.**
- (1) It shall be an affirmative defense to a violation of Subsection A of this section that the rental occupant or occupants is/are immediate family members of the owner of the subject premises, as defined in this chapter.
- B. Rental permit application requirements.
- (1) Rental permit applications shall be in writing on a form provided by the Town and shall include the owner's name, address and telephone number.
- (2) Rental permits applications shall contain a description of the unit, including the number of rooms in the rental dwelling unit, and the dimensions and use of each such room shall be included. The name, address and telephone number, if any, of the managing agent or operator of each such intended rental dwelling unit shall be included.
- (3) Rental permits applications shall include the maximum number of persons that are being requested to occupy the rental dwelling unit.
- (4) All applicants for a rental permit shall sign an affidavit stating that they have received a copy of and fully understand this chapter of the Southold Town Code.
- (5) All applicants must submit the following documents:
- (a) Copies of all certificates of occupancy and/or pre certificates of occupancy for the rental dwelling unit;
- (b) An affidavit setting forth the address to be used as the last known address of the owner for service pursuant to all applicable laws and rules. The owner shall notify the Code Enforcement Official of any change of address submitted pursuant to this section within five business days of any change thereto; and
- (c) Inspection report. The owner of the rental dwelling unit shall:
- [1] Arrange for an inspection of the unit or units and the premises on which the same are located by the Code Enforcement Official or his designee employed by the Town of Southold, or
- [2] Provide to the Code Enforcement Official an inspection report, on a form provided by the Town, signed by either a New York State licensed professional engineer, New York State licensed architect or home

inspector who has a valid New York State Uniform Fire Prevention Building Code certification that the structure and the dwelling units contained therein meet all applicable housing, sanitary, building, electrical and fire codes, rules and regulations.

- (6) Each application shall be executed and sworn to by the owner of the premises.
- (7) All rental properties containing eight or more rental units shall provide for a designated site manager, who shall be available to address and resolve any issues with the property 24 hours a day. The owner of the property must file the manager's address, telephone number and other contact information with the Code Enforcement Official within five days of the designation of the manager or any changes thereto.
- C. Notwithstanding the above, no rental occupancy permit shall be required for a residential care facility licensed under federal, New York State or Suffolk County guidelines.
- D. Renewal of rental permits.
 - (1) A renewal rental permit application signed by the owner shall be completed and filed with the Code Enforcement Official at least 90 days prior to the expiration date of any valid rental permit. A renewal rental permit application shall contain a copy of the prior rental permit.
 - (2) Prior to the issuance of a renewal rental permit, the owner shall cause an inspection of the unit or units and the premises pursuant to § 207-7B(5)(c) above.
 - (3) The Town of Southold shall not accept, review or approve any renewal rental application for a dwelling or rental dwelling unit ~~dwelling~~ wherein the prior rental permit expiration date has passed. If the expiration date has passed, the owner must file a new application.

E. Advertising of rentals

- (1) The advertising of any rental unit shall include the rental permit number as part of the written and posted add and on all social media and rental websites. The rental permit must be posted at the primary front entrance of the parcel containing the rental unit at all times.**
- (2) It shall be unlawful and a violation of this article for any person, entity, broker or agent to list, advertise, show or otherwise offer for lease, rent or sale on behalf of the owner or authorized agent any dwelling unit which is, itself, a rental dwelling or which contains a rental unit, for which a current rental occupancy permit has not been issued by the Code Enforcement Official. This provision is intended to establish a duty to verify the existence of a valid rental occupancy permit before listing, showing or otherwise offering for lease, rent or sale any such dwelling or dwelling unit in the Town of Southold.**
- (3) It shall be unlawful and a violation of this article for any person, entity, corporation, broker, or agent to cause an advertisement or solicitation for a rental dwelling or dwelling unit to be listed, placed, posted or submitted for inclusion on any website, in the mass media, or in printed materials, including flyers, handbill, mailed circular, social media, bulletin board, sign or electronic media, without such person, entity, corporation, broker or agent first verifying the existence of a valid rental occupancy permit. All such advertisements, solicitations, listings, and postings on any website, in the mass media, or in printed materials, including flyers, handbill, mailed circular, social media, bulletin board, sign or electronic media shall include the valid rental permit number. Violation of this section shall be unlawful and an offense within the meaning of the Penal Law of the State of New York.**

§ 207-8 Revocation of permit.

- A. The Code Enforcement Official may revoke a rental occupancy permit where he or she finds that the

permit holder has caused, permitted, suffered or allowed to exist and remain upon the premises for which such permit has been issued, for a period of 14 business days or more after written, return receipt requested notice and opportunity to be heard has been given to the permit holder, or the managing agent of such rental dwelling unit, a violation of the Multiple Residence Law and/or New York State Uniform Fire Prevention and Building Code or a violation of this chapter or other chapter of the Town Code. Revocation of a permit under this subsection cannot be done by a devisee or assistant of the Code Enforcement Official.

- B. An appeal from such revocation may be taken by the permit holder to the Town Board, by written request, made within 30 days from the date of such revocation. The Town Board shall hold a public hearing on such appeal after receipt of written request of such appeal, and after such hearing shall make written findings and conclusions and a decision either sustaining such permit revocation or reinstating such permit within 30 days after close of such public hearing. Unless the Town Board directs otherwise in circumstances constituting serious threats to health and safety, the filing of an appeal shall stay the effectiveness of a permit revocation until the Town Board has considered and ruled upon the issue.
- C. Any permit holder that takes an appeal to the Town Board from the revocation of a rental permit shall be required to pay an administrative fee \$200 to the Town Clerk with the written request for the appeal.

§ 207-9 **Broker's/agent's responsibility.**

- A. Broker's/agent's responsibility prior to listing. No real estate broker or agent shall list or otherwise advertise, or offer for lease any rental dwelling unit for which a current rental permit has not been issued by the Code Enforcement Official. **Any such listing must include the current rental permit number for the rental unit.**

§ 207-10 **Enforcement.**

This chapter shall be enforced by the Code Enforcement Officer as defined by this chapter.

§ 207-11 **Penalties for offenses.**

- A. Any person, association, firm, corporation **or broker** that violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:
 - (1) By a fine not less than ~~\$500~~ **\$3,000** and not exceeding ~~\$5,000~~ **\$10,000** or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.
 - (2) By a fine not less than ~~\$1,000~~ **\$5,000** nor more than ~~\$10,000~~ **\$20,000 and revocation of the rental permit** or by imprisonment for a period not to exceed 15 days, **or both,** for conviction of the second of the two offenses, both of which were committed within a period of five years.
- B. Each week's continued violation shall constitute a separate additional violation.
- C. This section is enacted pursuant to Municipal Home Rule Law § 10(1)(ii) a(9-a) and § 10(1)(ii)d(3) and pursuant to § 10(5) of the Statute of Local Governments, and is intended to supersede Town Law § 268 and any other statute or local law to the extent necessary to increase the minimum and maximum penalties contained therein.

§ 207-12 **Implementation.**

- A. Severability. If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in said judgment.
- B. Effective date. This chapter shall be effective upon filing with the Secretary of State. However, in order to afford property owners a sufficient amount of time to apply for and obtain a rental permit as set forth

herein, no violation of this chapter will be charged prior to August 1, 2019 and no violation for failure to obtain a permit shall be issued to a person or entity that:

- (1) Has filed the necessary application in proper form with all required information and attachments on or before August 1, 2019, and;
- (2) Has not received a final determination on the application on the application for reasons over which the applicant has no control.

Article I General Provisions

§ 280-1 **Title.**

This chapter shall be known and may be cited as the "Southold Town Zoning Code."

§ 280-2 **Purposes.**

There is hereby established a comprehensive zoning plan for the Town of Southold, which plan is set forth in the text and map that constitute this chapter. Said plan is adopted for the purposes set forth in Article 16 of the Town Law, which, in the interest of the protection and promotion of the public health, safety and welfare, shall be deemed to specifically include the following, among others:

- A. The facilitation of the efficient and adequate provision of public facilities and services.
- B. The assurance of adequate sites for residence, industry and commerce.
- C. The provisions of privacy for families.
- D. The prevention and reduction of traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians.
- E. The maximum protection of residential and historic areas.
- F. The gradual elimination of nonconforming uses.
- G. The enhancement of the appearance of the Town of Southold as a whole, particularly its open and rural environment.
- H. The encouragement of flexibility in the design and development of land in such a way as to produce the most appropriate use of lands, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands.
- I. The fostering and protection of agriculture and fisheries.
- J. To make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.
- K. The protection of the subsurface water supply and surface waters.
- L. The protection and enhancement of the coastal environment.

§ 280-3 **Interpretation and conflicts.**

- A. Where a provision of this chapter conflicts with or imposes a different requirement from any other provision of this chapter, the provision or requirement which is more restrictive or which establishes the higher standard shall govern.
- B. Where the provisions of this chapter conflict with or impose a different requirement from any other ordinance of the Town of Southold or any rules or regulations adopted thereunder, the ordinance, rule or regulation which establishes the higher standard or requirement shall govern.
- C. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Except where specifically provided to the contrary, it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or

which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelters or premises; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties.

§ 280-4 Definitions.

- A. Word usage. Words used in the present tense include the future: the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot"; the term "occupied" or "used," as applied to any building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used."
- B. Definitions and usages. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings as herein defined. Any word or term not noted below shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged (or latest edition).

ACCESS

A physical entrance to property.

ACCESSORY APARTMENT

An apartment created in a presently existing one-family dwelling unit or accessory structure pursuant to § 280-13A(6) or § 280-13B(13).

[Amended 6-15-2010 by L.L. No. 2-2010]

ACCESSORY BUILDING OR STRUCTURE

A building or structure detached from a principal building located on the same lot as and customarily incidental and subordinate to the principal building.

ACCESSORY USE

A use customarily incidental and subordinate to the main use on a lot, whether such "accessory use" is conducted in a principal or accessory building.

ADDITION

A structure added to the original structure at some time after the completion of the original.

AGRICULTURAL PROCESSING

The on-farm processing of agricultural products at and from a single farm operation located within the Town of Southold, which has been converted from its original (raw) state into a processed or prepared product through applications of cooking, distilling, fermenting, crushing, or straining, etc. Such processed agriculture products include, but are not limited to, jams, jellies, cheeses, potato chips, jerkies, meats, fowl, fish, breads, and baked goods, beer, wine and distilled alcoholic and nonalcoholic beverages.

[Added 4-25-2017 by L.L. No. 5-2017]

AGRICULTURAL PROCESSING BUILDING

An on-farm operation building, or part of a building, used for processing and storage of agricultural products of a single farm operation into processed agricultural products, as defined herein.

[Added 4-25-2017 by L.L. No. 5-2017]

AGRICULTURAL PRODUCTION

For the purposes of this chapter, agricultural production shall include, but not be limited to, the

following:

[Added 4-25-2017 by L.L. No. 5-2017]

- (1) A farm operation engaged in the production for sale of crops, livestock or livestock products by a bona fide farm operation or bona fide aquaculture/mariculture farm operation, both as defined herein, which shall include but not be limited to:
 - (a) Field crops; for example, corn, wheat, oats, rye, barley, hay, potatoes and dry beans;
 - (b) Fruits; for example, apples, peaches, grapes, cherries, tomatoes and berries;
 - (c) Vegetables; for example, snap beans, cabbage, carrots, beets and onions;
 - (d) Horticultural specialties; for example, nursery stock, ornamental shrubs, ornamental trees and flowers;
 - (e) Livestock and livestock products; for example, cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur-bearing animals, milk, eggs and furs;
 - (f) Maple sap;
 - (g) Christmas trees derived from a managed Christmas tree operation, whether dug for transplanting or cut from the stump;
 - (h) Aquaculture and mariculture, as defined herein;
 - (i) Biomass, which means crops raised for bioenergy, and shall include, but is not limited to, farm woodland, switch grass, giant reed, and miscanthus;
 - (j) Apiary, including the cultivation of bee colonies, bee honey, beeswax, and related products.

AGRICULTURAL PRODUCTION BUILDING

An on-farm operation building, or part of a building, primarily useful or necessary for crops in their harvested state in the conduct of agricultural production, including but not limited to barns, silos, storage of mechanical equipment, storage of harvested crops, spaces, accessory alternative energy structures, animal pens, and other shelters.

[Added 4-25-2017 by L.L. No. 5-2017]

AGRICULTURE

The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutation of hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; fruits of all kinds, including grapes, nuts and berries, vegetables; floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

ALTERATION

A change or modification made in or on an existing building or structure that does not increase its exterior dimensions.

[Amended 4-24-2012 by L.L. No. 6-2012]

APARTMENT

An entirely self-contained dwelling unit consisting of a minimum of 450 square feet of living area containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises and having no enclosed space (other than vestibules, entrance hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit and/or "apartment."

[Added 6-19-1990 by L.L. No. 13-1990]

APARTMENT HOUSE

A building arranged, intended or designed to be occupied by two or more families living independently of each other in apartments.

[Added 6-19-1990 by L.L. No. 13-1990]

APPLICANT

The landowner or the agent, optionee, contract purchaser or other person authorized in writing to act for the landowner in submitting an application under this chapter.

APPLICATION FOR DEVELOPMENT

The application form and all accompanying documents and exhibits required of an applicant by an approving authority for development and/or site plan review purposes.

AQUACULTURE

The breeding, cultivation, planting, containment, and harvesting of organisms that are naturally occurring in freshwater, including finfish; mollusks, such as snails and clams; crustaceans, such as shrimp and crayfish; and aquatic plants. The term aquaculture is also commonly used to include marine water, or maricultured species, such as oysters, bay scallops, lobsters, and sugar kelp.

[Added 9-22-2015 by L.L. No. 8-2015; amended 4-25-2017 by L.L. No. 5-2017]

ARCADE, AMUSEMENT

Any facility which provides amusement, enjoyment, or entertainment through electronic machines (e.g., pinball, video games) and which may be operated upon the insertion of a coin or token excluding machines used for gambling.

[Added 4-23-2019 by L.L. No. 3-2019]

AUTOMOBILE SALES LOT OR BUILDING

A lot or building used for the sale or hire of automobile equipment. This shall be interpreted to include new and used car dealerships and auto accessory salesrooms but not the sale of junked automotive equipment.

AUTO REPAIR SHOP

A commercial use involving the adjustment, painting, replacement of parts or other repair or restoration of motor vehicles.

[Added 4-28-1997 by L.L. No. 6-1997]

BASEMENT

A story of a building, partly below the finished grade level, which has more than 1/2 of its height, measured from floor to ceiling, above the average established curb level or finished grade of the land immediately adjacent to the building.

BED-AND-BREAKFAST

The renting of not more than five rooms in an owner-occupied dwelling for lodging and serving of breakfast to not more than 10 casual and transient roomers, provided that the renting of such rooms for such purpose is clearly incidental and subordinate to the principal use of the dwelling.

[Amended 3-28-2000 by L.L. No. 7-2000]

BERM

A structure composed primarily of earth intended for privacy, security, enclosure, visual screening or noise abatement.

BILLBOARD

A sign, including the type commonly known as a "billboard," which directs attention to a business, commodity, service, entertainment or attraction which is sold, offered or existing elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot.

BLOCK

An area bounded by one or more streets or a municipal boundary and of sufficient size to accommodate a lot or lots of minimum size required by this chapter.

BOARDING- AND TOURIST HOUSES

A building, other than a hotel, where lodging, with or without meals, for five or more persons is furnished for compensation.

BOARD OF APPEALS

The Zoning Board of Appeals of the Town of Southold.

BONA FIDE AQUACULTURE/MARICULTURE FARM OPERATION

Indicators of a bona fide aquaculture/mariculture farm operation include a farm operation, as defined herein, engaged in aquaculture and/or mariculture that:

[Added 4-25-2017 by L.L. No. 5-2017]

- (1) Has obtained all commercial cultivation and harvest permits required by the New York State Department of Environmental Conservation Law and a permit from either the New York State Department of Agriculture and Markets or the Suffolk County Department of Health Services when the farm stand offers on-premises consumption; and
- (2) Has access to underwater land, including, but not limited to, a lease, riparian rights, a grant, fee title to underwater land, or a franchise within the Peconic Bay Estuary or Town waters, or has land-based cultivation infrastructure.

BONA FIDE FARM OPERATION

Indicators of a bona fide farm operation include a farm operation, as defined herein, that:

[Added 4-25-2017 by L.L. No. 5-2017]

- (1) Is located on land with not less than seven acres of land used as a farm operation in the preceding two years for the production or sale of crops, livestock or livestock products of an average gross sales value of \$10,000 or more; or
- (2) Is located on land of seven acres or less used as a farm operation in the preceding two years for the production or sale of crops, livestock or livestock products of an average gross sales value of \$50,000 or

more; or

- (3) Has been issued a farm stand operator permit.

BREEZEWAY

Open construction with a roof projecting from the outside wall of a building, not to exceed dimensions of eight feet by 10 feet, connecting the main building and a garage. Other types of attachments which extend more than 10 feet, or exceed 80 square feet in area, shall not attach a main building to a separate building unless such attachment meets the requirements of livable floor area.

[Added 5-31-1994 by L.L. No. 10-1994]

BUFFER

A natural or landscaped vegetated area along the boundaries of a subdivision, lot or parcel, designed to provide natural visual screening through the growth of dense vegetation, and ideally including evergreens.

[Added 1-20-2009 by L.L. No. 2-2009]

BUILDABLE AREA

The area of a lot remaining after the minimum yard and open space requirements of this chapter have been met.

BUILDABLE LAND

The area of a lot or parcel, not including the square footage of tidal and freshwater wetlands, land seaward of the coastal erosion hazard area line, beaches, bluffs, primary dunes, secondary dunes, or underwater lands. The terms "wetlands," "beaches," "bluffs," and "underwater lands" shall have the meanings set forth in Chapter 275, Wetlands and Shoreline, of the Town Code. The terms "coastal erosion hazard area line," "primary dunes" and "secondary dunes" shall have the meanings set forth in Chapter 111, Coastal Erosion Hazard Areas, of the Town Code.

BUILDING

A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

[Amended 11-12-1997 by L.L. No. 26-1997; 12-8-1998 by L.L. No. 27-1998]

BUILDING AREA

The aggregate of the maximum horizontal cross section of the buildings on a lot, measured between the exterior faces of walls.

- (1) The term "building area" shall include the following:

- (a) Balconies.
- (b) Terraces, patios, decks and other structures above the finished grade.
- (c) Swimming pools, tennis courts and other similar structures.

- (2) The term "building area" shall exclude the following:

- (a) Cornices, eaves, gutters, chimneys and fireplaces, projecting not more than 28 inches from exterior walls.

- (b) Steps and open porches, projecting not more than five feet from exterior walls and having an area of not more than 30 square feet.
- (c) First-story bay windows projecting not more than three feet from exterior walls and exterior cellar doors projecting not more than six feet from exterior walls.

BUILDING LINE

A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of building on any side. In case of a cantilevered section building, the vertical plane will coincide with the most projected surface.

BULKHEAD

A structure or barrier the intended use for which is to separate and act as a barrier between earthen material and water.

[Added 7-13-1993 by L.L. No. 14-1993]

CABANA/POOL HOUSE

A one-story, ground-level detached accessory structure or a ground-level portion of an existing one-story accessory structure, located adjacent to and used in conjunction with an inground swimming pool.

[Added 6-4-2019 by L.L. No. 7-2019]

- (1) Cabana/pool house design requirements:
 - (a) A cabana/pool house or any portion of an accessory structure dedicated to such use shall not exceed 350 square feet of gross floor area.
 - (b) A cabana/pool house shall not contain more than one room other than a bathroom.
 - (c) A cabana/pool house shall not be heated, nor shall any pool house/cabana contain a kitchen or be designed, equipped or used for cooking or sleeping purposes. A refrigerator no greater than five cubic feet in capacity is permitted.
 - (d) Interior plumbing fixtures shall be limited to a sink plus one bathroom containing a toilet and sink.
 - (e) Cabana/pool houses shall not contain indoor showers. Outdoor showers are permitted.
 - (f) All plumbing fixtures shall drain to a Suffolk County Health Department approved sanitary system in a conforming location.
 - (g) A building permit for a cabana/pool house shall not be issued unless: there is an existing inground pool with a valid certificate of occupancy; a building permit, that is still valid, has previously been issued for an inground pool, or the building permit for the cabana/pool house is being issued simultaneously with the issuance of a building permit for an inground pool. No certificate of occupancy for a cabana/pool house shall be issued unless there is an existing inground pool with a certificate of occupancy or a certificate of occupancy for an inground pool is being issued at the same time as a certificate of occupancy for a cabana/pool house.

CELLAR

Any space in a building, partly below finished grade level, which has more than 1/2 its height, measured from floor to ceiling, below average established curb level or finished grade of land immediately adjacent to the building.

CERTIFICATE OF COMPLIANCE

A document issued by the Building Inspector certifying that the premises indicated conform to Zoning Board of Appeals requirements for bed-and-breakfast use or accessory apartment use at the time of issuance.

[Added 5-20-1993 by L.L. No. 6-1993]

CERTIFICATE OF OCCUPANCY

A document issued by a Town Building Inspector allowing the use and occupancy of a building and/or land and certifying that the structure and/or use of land and/or structures is in compliance with all state and local codes, regulations and requirements.

CHILD CARE

A residential structure and property used principally as a residence, where child care is provided by the resident for a total of five or fewer children other than those of the caregiver. This use must be in accordance with the regulations governing home occupations in this Zoning Code.

[Added 11-12-1996 by L.L. No. 20-1996]

CLUSTER

See "residential cluster."

CLUB, BEACH

A not-for-profit corporation, as defined in § 102 of the Not-For-Profit Corporation Law of the State of New York, located contiguous to a bay or Long Island Sound and established for the principal purpose of engaging in swimming in the sound or the bays, but excluding any form of aviation, motorboat racing or waterskiing on inland waterways or similar hazardous sports.

CLUB, MEMBERSHIP OR COUNTRY OR GOLF

An entity established for the principal purpose of engaging in outdoor sports, such as golf, tennis, swimming, fishing, hunting or similar activities, but not including any form of aviation, outdoor trap, skeet or target shooting or motorboat racing.

[Amended 12-8-1998 by L.L. No. 26-1998]

CLUB, YACHT

A not-for-profit corporation, as defined by § 102 of the Not-For-Profit Corporation Law of the State of New York, established for the principal purpose of engaging in recreational boating. The activities of such a "yacht club" shall be limited to its members and their guests and shall not be extended to the general public. The term "yacht club" shall be deemed to include the term "marina" but shall not be deemed to include the term "boatyard" except for the out-of-water storage of members' boats.

COMMERCIAL SOLAR ENERGY PRODUCTION SYSTEM

An arrangement or combination of components installed upon land that utilize solar radiation to produce energy designed to provide electricity for on-site or off-site use pursuant to a power purchase agreement.

[Added 6-17-2014 by L.L. No. 7-2014]

COMMON OPEN SPACE

An open space area within or related to a site designated as a development that is available for the use of all residents or occupants thereof.

COMMUNITY CENTER

A building to be used as a place of meeting, recreation, or social activity and not operated for profit.

[Added 4-23-2019 by L.L. No. 3-2019]

CONDOMINIUM

A building or buildings, the dwelling units of which are individually owned, each owner receiving a deed enabling him to sell, mortgage or exchange his dwelling unit independent of the owners of the other dwelling units in the building or buildings.

CONTINUING CARE FACILITY

An institution that is licensed to provide health care under medical supervision to in-patients. The facility provides continuing, skilled nursing care on a long-term, extended basis. Shall be otherwise known as a "nursing home."

[Added 11-12-1996 by L.L. No. 20-1996]

CONVENIENCE STORE

A retail store generally less than 5,000 square feet that is designed and stocked to sell prepackaged food items, beverages, periodicals and household goods for off-premises consumption.

[Added 11-4-2009 by L.L. No. 14-2009]

COOPERATIVE

A type of resort or multiple residence in which persons have an ownership interest in the entity which owns the building or buildings and, in addition, a lease or occupancy agreement which entitles them to occupy a particular dwelling unit therein, regardless of whether, and in what manner, the dwelling units are managed, leased or otherwise made available for use by persons other than the owners thereof.

COURT, INNER

An open space enclosed on all sides by exterior walls of a building.

COURT, OUTER

An open space enclosed on three sides by exterior walls of a building.

COURT, DEPTH OF OUTER

The linear average dimension measured from the unenclosed side of the court to the farthest wall thereof.

COURT, WIDTH OF OUTER

The linear dimension of the unenclosed side of the court.

CUL-DE-SAC

The turnaround at the end of a dead-end street.

CURB CUT

The opening along the curblin at which point vehicles may enter or leave the roadway.

CURB LEVEL

The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

CUSTOM WORKSHOP

A business premises used for the making of clothing, millinery, shoes or other personal articles to individual order or measure, for sale at retail on the premises only and not including the manufacture of machinery, vehicles, appliances and similar heavy goods and ready-to-wear or standardized products.

DECK

Construction attached to a building open to the sky with floor materials built at an elevation above natural grade. Decks are required to have building permits before construction.

[Added 5-31-1994 by L.L. No. 10-1994]

DEDICATION

The conveyance of a fee or lesser interest in property to public use, which precludes the owner or others under him from asserting any right of ownership inconsistent with the use for which the property is dedicated.

DEMOLITION

Any removal of a structure or portion thereof, where the total cost of the reconstruction of the structure or portion thereof exceeds 50% of the market value of the existing structure before the start of removal.

[Added 4-24-2012 by L.L. No. 6-2012; amended 2-14-2017 by L.L. No. 2-2017]

DWELLING, MULTIPLE

A building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY

A detached building containing one dwelling unit only consisting of a minimum living area of 850 square feet.

[Amended 4-24-1990 by L.L. No. 8-1990]

DWELLING, ROW OR ATTACHED

A one-family dwelling with two common or party walls separating it from adjacent units on both sides.

DWELLING, SEMIDETACHED

A one-family dwelling with one wall in common with an adjacent dwelling.

DWELLING, TWO-FAMILY

A detached building containing two dwelling units only.

DWELLING UNIT

A building or entirely self-contained portion thereof consisting of a minimum living area of 850 square feet containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any "dwelling unit." A house trailer, a boarding- or rooming house, convalescent home, fraternity or sorority house, hotel, motel, inn, lodging or nursing or similar home or other similar structure shall not be deemed to constitute a "dwelling unit."

[Amended 6-19-1990 by L.L. No. 13-1990]

EASEMENT

A grant of the use of land for specific purposes.

ENLARGEMENT

As applied to an existing structure, any activity causing an increase in one or more exterior dimensions of the building or structure or any part thereof.

[Added 4-24-2012 by L.L. No. 6-2012]

FAMILY

One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons 18 years of age or older, exclusive of domestic servants, not related by blood, marriage or adoption shall not be considered a "family."

FAMILY MEMBER

The spouse, domestic partner, child, grandchild, stepchild, parent, aunt, uncle, niece, nephew, brother or sister of the owner or of the owner's spouse or domestic partner.

[Added 6-15-2010 by L.L. No. 2-2010]

FARM

A site or series of adjoining parcels under single ownership or management devoted to agricultural use.

FARM BUILDINGS

All structures useful or necessary for the conduct of agricultural activities, including but not limited to barns, silos, mechanical equipment storage sheds, animal pens or other shelters.

FARMHOUSE

A principal dwelling on a farm operation used exclusively by a farmer/owner/operator who is in full-time residence and actively engaged in farming the lands of the farm operation, or as housing for the farm operation's workers, or occupied by key employee(s) of the farm operation.

[Added 4-25-2017 by L.L. No. 5-2017]

FARM OPERATION

The land, including underwater lands used in aquaculture and mariculture, buildings used in agricultural production, on-farm agricultural processing buildings, on-farm direct marketing buildings, equipment, manure processing and handling facilities, and practices which contribute to the cultivation, production, preparation, processing and marketing of crops, livestock and livestock products, freshwater or marine water products, including fish, fish products, and/or water plants and shellfish, as a commercial enterprise. The farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

[Added 4-25-2017 by L.L. No. 5-2017]

FARM STAND

Any structure open to the weather on at least one side, used for the sole purpose of retail sale of produce grown by the owner of the stand on farm acreage within the Town of Southold. Such structure may be one-story or less, roofed or have partial walls and flooring but may not be completely enclosed except when the business is closed. A farm stand may not be insulated or mechanically heated or cooled by permanent equipment. A truck bed or trailer on wheels, with areas in excess of 20 square feet displaying produce, shall be considered a farm stand.

[Added 5-13-1997 by L.L. No. 8-1997]

FENCE

A vertical enclosure, solid or partially open, to prevent straying from within or intrusion from without or intended to be used as a visual screen. A "fence" is considered a structure for the purposes of this chapter.

FISH PROCESSING

The readying of fish and shellfish for shipping to market, including icing, cleaning, filleting, shucking and the cooking of crabs or lobster, but not including other cooking, canning, freezing, smoking or other fish factory operations.

FLAT, LOW SLOPE OR MANSARD ROOF

Any roof that has a pitch of less than 3:12 or less.

[Added 1-16-2007 by L.L. No. 2-2007; amended 10-18-2022 by L.L. No. 10-2022; 12-13-2022 by L.L. No. 16-2022]

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FLEA MARKET

An out-of-doors market operated only during daylight hours where new or used items are sold from individual locations, with each location being operated independently from other locations. Items sold include but are not limited to household items, antiques, rare items, decorations, used books and used magazines. This shall not include sales by a nonprofit organization on an occasional basis.

[Added 10-17-1995 by L.L. No. 21-1995]

FLOOD HAZARD AREA

Land in the floodplain subject to a one-percent or greater chance of flooding in any given year.

FLOODPLAIN

The relatively flat area or low lands adjoining the channel of a river, stream, watercourse, canal or any body of standing water which has been or may be covered by floodwater.

FLOOR AREA

The sum of the gross horizontal areas of all floors of the building or buildings on a lot, having a clear height of not less than six feet measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, including cellar and basement areas. The "floor area" shall not include roof overhangs projecting less than three feet or any floors or portions thereof contained on terraces or balconies projecting beyond the exterior face of the building.

FLOOR AREA, GROSS (GFA)

The cumulative area, in square feet, of all floor levels of every story of all dwellings on a lot, including attached garages, having a clear height of not less than six feet measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. Interior spaces with a floor-to-ceiling height in excess of 15 feet shall be counted twice for gross floor area. The cumulative area shall not include roof overhangs less than three feet; unenclosed porches, patios, decks; open terraces; balconies; basements; and attics. Accessory buildings or structures shall also be excluded, except any portion thereof which may be converted to habitable space. Such habitable portion shall be included in the gross floor area.

[Added 10-18-2022 by L.L. No. 10-2022; amended 12-13-2022 by L.L. No. 16-2022]

FLOOR AREA, LIVABLE

All spaces within the exterior walls of a dwelling unit, exclusive of garages, breezeways, unheated porches, cellars, heater rooms and approved basements having a window area of less than 10% of the square foot area of the room. Usable floor area shall include all spaces not otherwise excluded above, such as principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit.

FLOOR AREA RATIO

The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

FOOD CATERING FACILITY

A food preparation operation that prepares food for consumption at a specific off-site location and/or event distinct from the restaurant trade.

[Added 4-28-1997 by L.L. No. 6-1997]

FOOD PROCESSING FACILITY

A wholesale operation where food is processed from a raw or semiprocessed state to a finished product suitable for resale at retail outlets or to restaurants. A food processing facility shall not include an outlet store, whether accessory or principal.

[Added 4-28-1997 by L.L. No. 6-1997]

FRATERNAL ORGANIZATION

A nonprofit association of persons bound by a common interest or goal, be it civic, patriotic, charitable, educational or historical.

[Added 11-28-1989 by L.L. No. 22-1989]

FRONTAGE

The width of a lot at the street line.

GAMBLING

A commercial facility where patrons wager money on the outcome of a game, including but not limited to a card game or a slot machine.

[Added 4-23-2019 by L.L. No. 3-2019]

GARAGE, PRIVATE

A building used as an accessory to the main building for the storage of one or more gasoline or other power-driven vehicles owned and used by the owner or tenant of the lot on which the garage is erected for the storage of not exceeding two additional vehicles (not trucks) owned or used by the others and in which no occupation, business or service for profit is carried on without special permit.

GARAGE, PUBLIC

A building, other than a private garage, used for housing or care of gasoline or other power-driven vehicles or where such vehicles are equipped for operation, repaired or kept for renumeration, hire or sale.

GARAGE, REPAIR

A building, other than a private garage, used for adjustment, painting, replacement of parts or other repair or restoration of motor vehicles or parts thereof, whether or not accessory or incidental to another

use.

GASOLINE SERVICE STATION

A structure and surrounding land used for the storage and sale of petroleum fuel primarily to motor vehicles and for accessory uses such as the sale of lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs within a building; however, a service station is not a repair garage or a body shop.

GOLF COURSE, STANDARD REGULATION

A golfing facility open to the general public for a play greens fee, which is at least 125 contiguous acres of property and contains a regulation eighteen-hole golf course. The following accessory uses may be included, provided that sufficient land is available: practice tees for instruction purposes, pro shop and school, driving range, snack bar or restaurant, catering and banquet facilities, club houses, course offices, vehicle maintenance shed, employee facilities, locker rooms and showers, swimming pool and tennis courts.

[Added 4-28-1997 by L.L. No. 6-1997]

GREENHOUSE

A structure for growing plants.

GROCERY STORE

A retail establishment dedicating 70% or more of its floor area to the sale of prepackaged or perishable food items.

[Added 6-20-2006 by L.L. No. 8-2006]

GROSS FLOOR AREA

See "floor area, gross."

[Added 10-18-2022 by L.L. No. 10-2022; amended 12-13-2022 by L.L. No. 16-2022]

GROUND FLOOR

The first floor of a building other than a cellar or basement.

GUEST UNIT

A bedroom-sleeping accommodation for transient guests, which may or may not include bathroom facilities and shall be occupied by no more than two adult persons and be at least 80 square feet in area.

HABITABLE FLOOR AREA

See "floor area, livable."

[Added 6-19-1990 by L.L. No. 13-1990]

HEALTH CARE FACILITY

A structure and premises regulated by the State of New York and used to provide an integrated range of medical and/or surgical services, primarily for in-patients, on a twenty-four-hour basis. Health services may require surgical facilities, therapeutic and diagnostic equipment rooms, counseling facilities, convalescent care equipment and trauma care services. Out-patient clinics and other forms of ambulatory health care facilities may exist as accessory and integral services to the in-patient services. Supporting or accessory uses may include a kitchen for preparation of patient meals, cafeteria or snack/coffee shop for employees and visitors, gift shop, laundry, pharmacy and staff offices (for

bookkeeping, administration, medical records, etc.). Shall be otherwise known as a "general or specialized hospital," a "rehabilitation center," "rest home" or "adult home."

[Added 11-12-1996 by L.L. No. 20-1996]

HEALTH CLUB

A facility where members or nonmembers use equipment or space for the purpose of physical exercise, conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities.

[Added 4-23-2019 by L.L. No. 3-2019]

HEIGHT OF ACCESSORY BUILDING

The vertical distance measured from the average elevation of the existing natural grade adjacent to the building, before any alteration or fill, to the highest point of the roof for flat and mansard roofs, and to the highest point of the ridge for sloping and other type roofs.

[Added 1-16-2007 by L.L. No. 2-2007]

HEIGHT OF BUILDING

The vertical distance measured from the average elevation of the existing natural grade adjacent to the building, before any grade alteration or fill, to the highest point of the roof, parapet or railing.

[Amended 10-18-2022 by L.L. No. 10-2022; 12-13-2022 by L.L. No. 16-2022]

HISTORICAL SOCIETY

An institution devoted to the preservation of information, artifacts, structures and other evidence of a human community or enterprise that existed in the past.

[Added 11-12-1996 by L.L. No. 20-1996]

HISTORIC BUILDING

See "landmark designation."

HOME BUSINESS OFFICE

The business office of an individual which does not qualify for home professional office yet provides a service rather than the retail sale of goods (i.e., offices providing the service of consulting, advertising, designing and/or marketing and which typically require a home personal computer, telephone and/or facsimile transmission machine).

[Amended 7-28-1992 by L.L. No. 14-1992]

HOME OCCUPATION

[Amended 4-9-1991 by L.L. No. 10-1991; 7-28-1992 by L.L. No. 14-1992]

- (1) Any gainful activity customarily conducted only within a dwelling unit by the residents thereof that is clearly secondary to the residential use.
- (2) Activities carried on by the residents which are connected with produce of the seas, bays or harbors caught or dug by them, including storage and dockage of boats and gear, spreading and mending of nets and other gear and sale of such produce so gathered.
- (3) Tradesmen, not limited to carpenters, plumbers, landscapers, painters, masons and electricians, provided that no retail sales or services are conducted on site.

HOMEOWNERS' OR HOMES ASSOCIATION

A community association, including a condominium association, which is organized in a residential development in which individual owners have a shared interest in the responsibility for open space or facilities.

HOME PROFESSIONAL OFFICE

This shall be understood to include the professional office or studio of a doctor, dentist, teacher, artist, architect, engineer, musician, lawyer, magistrate or practitioners of a similar character, or rooms used for home occupations, provided that the office, studio or occupational rooms are located in a dwelling in which the practitioner resides.

[Added 4-9-1991 by L.L. No. 10-1991; amended 7-28-1992 by L.L. No. 14-1992]

HOTEL OR MOTEL, RESORT

A building or group of buildings, whether detached or in connected units, containing individual guest units consisting of a room arranged or designed to be available for use as sleeping quarters for transients on a daily rental basis or for vacationers or other persons on a weekly rental basis, provided that one such unit may connect directly with not more than one other such unit. Each unit shall have a door opening on the exterior of the building or on a common hallway leading to the exterior. A "resort motel" may include such accessory uses as a beach cabana, private dock, dining room, restaurant or swimming pool, conference and meeting facilities or an accessory convenience shop, office or personal service facility, provided that such facility or shop is located within the building without any external sign or display and off-street parking facilities. The term "resort motel" shall not be construed to include "transient motel" or "mobile home park."

HOTEL OR MOTEL, TRANSIENT

A building or group of buildings, whether detached or in connected units, containing individual guest units consisting of a room arranged or designed to be available for use as sleeping and living quarters for transients on a daily rental basis, provided that one such unit may connect directly with no more than one other such unit and that no cooking facilities shall be available. Each such unit shall have a door opening on the exterior of the building or on a common hallway leading to the exterior. A "transient hotel or motel" may include such accessory uses as an office, restaurant, accessory personal services, swimming pool and off-street parking facilities. The term "transient hotel or motel" shall not be construed to include "resort motel" or "mobile home park," nor shall it be deemed to include any dwelling unit except that of the owner or manager.

IMPERVIOUS SURFACE

Impervious surfaces include all areas where the ground is covered by a surface that interrupts or prevents rain from falling directly to the ground and percolating into the groundwater, including but not limited to roads, driveways, parking lots, other pavement, buildings, and concrete pads.

[Added 8-27-2013 by L.L. No. 6-2013]

INDOOR DOG AND CAT CARE FACILITY

A facility that provides dog and cat care services, including, but not limited to, grooming, day care, overnight care, obedience training, and accessory retail sales of pet products, inside a building. The breeding and/or sale of animals shall not be permitted in such a facility. All dogs and cats must be kept inside the building at all times, except for transfer to and from transportation. No outdoor kennels or pens are permitted at such facility, and all dogs and cats must be controlled at all times to prevent their escape or trespass onto neighboring properties. Animal waste must be disposed of in a manner that will not pollute groundwater or cause odors to leave the premises, and in accordance with the applicable Town, county or state regulations. The building must be insulated to minimize noise, such as dogs barking, that may be heard from neighboring properties.

[Added 4-22-2008 by L.L. No. 4-2008]

JUNKYARD

Land occupied or to be occupied for storage of old wood, paper, cloth or metal, including old automobiles, trucks, equipment, machinery, fixtures and appliances not usable as originally designed, and also including any portion of such old automobiles, trucks, equipment or machinery as may be sold as and for junk or salvage. The existence on any residential lot of three or more unregistered automobiles or trucks not housed within a building shall be deemed to be a "junkyard." Public sanitary landfills and the structures located thereon shall not be included in this definition.

LAND-BASED AQUACULTURE

The cultivation of marine and freshwater organisms in a man-made structure, such as an on-land building or pond.

[Added 9-22-2015 by L.L. No. 8-2015; amended 4-25-2017 by L.L. No. 5-2017]

LANDMARK DESIGNATION

The designation of a building or structure of architectural or historic significance to the Town through listing the property in the Town's Register of Designated Landmarks and filing a copy of the entry in the Town Clerk's office.

LANDSCAPING

An area of land restricted to landscape items which may also include such elements as natural features, earth berms, sculpture, signs, lighting, accessways, bikeways and pedestrianways.

LIFE CARE COMMUNITY

A structure or series of structures designed to provide a comprehensive cohesive living arrangement for the elderly in accordance with a license pursuant to New York Public Health Law, Article 46. A life care community may include a long-term continuing care facility as an integral but accessory service for residents of the life care community.

[Added 11-12-1996 by L.L. No. 20-1996]

LIGHT INDUSTRIAL USES

Uses which involve fabrication, reshaping, reworking, assembly or combining of products from previously prepared materials and which do not involve the synthesis of chemical or chemical products other than for pharmaceutical or research purposes or the processing of any raw materials except agricultural raw materials. Such uses may include industrial operations such as electronic, machine parts and small component assembly, as opposed to heavy industrial operations such as automobile assembly or milling activities.

[Added 4-28-1997 by L.L. No. 6-1997]

LIGHT INDUSTRY

An activity which involves the fabrication, reshaping, reworking, assembly or combining of products from previously prepared materials and which does not involve the synthesis of chemical or chemical products other than for pharmaceutical or research purposes or the processing of any raw materials, except agricultural raw materials. "Light industry" includes industrial operations such as electronic, machine parts and small component assembly, as opposed to heavy industrial operations such as automobile assembly or milling activities.

LIVING AREA

See "floor area, livable."

[Added 6-19-1990 by L.L. No. 13-1990]

LOADING BERTH

A space at least 15 feet wide and 45 feet long, having a minimum fourteen-foot vertical clearance for loading and unloading vehicles. No such space required by this chapter or depicted on any site plan shall constitute a parking space.

LOT

Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building and its accessory buildings, if any, or by a group of buildings accessory thereto, if any, together with the required open spaces appurtenant to such buildings or group of buildings.

LOT AREA

The area of a lot taken at its perimeter, exclusive of any portion within a public or private street right-of-way.

LOT, CORNER

A lot situated at the junction of and fronting on two or more streets. A lot abutting a curved street shall be deemed a "corner lot" if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

[Amended 6-29-2021 by L.L. No. 9-2021]

LOT COVERAGE

That percentage of the buildable land existing on a lot which is covered by the building area.

[Amended 4-10-2007 by L.L. No. 11-2007]

LOT DEPTH

The minimum distance from the street line of the lot to the rear lot line of such lot.

LOT, INTERIOR

A lot other than a corner lot or a through lot.

LOT LINE

Any boundary of a lot other than a street line.

LOT LINE, FRONT

The lot line separating a lot from a street right-of-way; also referred to as "street line."

LOT LINE, REAR

The lot line generally opposite to the street line; if the "rear lot line" is less than 10 feet in length, or if the lot comes to a point in the rear, the "rear lot line" shall be deemed to be a line, not less than 10 feet long, lying farthest from the front lot line and parallel to the front lot line.

LOT LINE, SIDE

Any lot line other than a front or rear lot line.

LOT, REAR OR FLAG

A lot located in such a position that it is to the rear of some other lot fronting on the same street and served by means of an accessway.

LOT, THROUGH

A lot which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT WIDTH

The average distance between side lot lines, taken at the front yard or setback line and measured at right angles to the side lot lines or along a line parallel to the street.

LOWER- AND MODERATE-COST HOUSING

Housing which is constructed and kept available for families or individuals with low or moderate income, including senior citizens, as defined by the Town Board.

MAIN FLOOR

The largest area found by the projection of a horizontal plane through the livable floor area which is enclosed by the exterior walls of the building.

MANUFACTURING

Any process whereby the nature, size or shape of articles or raw materials is changed, or where articles are assembled or packaged.

MARICULTURE

The cultivation of marine organisms in saltwater, for example, finfish; mollusks, such as snails, oysters, and clams; crustaceans, such as shrimp, crabs, and lobsters; and marine plants, such as sugar kelp.

[Added 9-22-2015 by L.L. No. 8-2015; amended 4-25-2017 by L.L. No. 5-2017]

MARINA or BOAT BASIN

Any premises containing one or more piers, wharves, docks, moorings, bulkheads, buildings, slips, basins or land under water, designed, used or intended to be used primarily for the docking or mooring of boats, for or without compensation.

MASTER PLAN

A plan for the controlled development of all or portions of the Town of Southold, the protection of environmentally sensitive areas, the enhancement of fishing and shellfishing, healthy recreation areas and facilities and the protection of the underground water supply; the plan to be prepared by the Planning Board pursuant to § 272-a of the Town Law, which plan indicates the general locations of physical development within the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts therein.

MEAN HIGH WATER (MHW)

Average height of high water datum reported by the United States Geological Survey.

MOTEL, RESORT

See "hotel or motel, resort."

MOTEL, TRANSIENT

See "hotel or motel, transient."

NONCONFORMING BUILDING OR STRUCTURE

A building or structure legally existing on the effective date of this chapter or any applicable amendment thereto but which fails, by reason of such adoption, revision or amendment, to conform to the present district regulations for any prescribed structure or building requirement, such as front, side or rear yards, building height, building areas or lot coverage, lot area per dwelling unit, dwelling units per

building, number of parking and loading spaces, etc., but which is continuously maintained after the effective date of these regulations.

NONCONFORMING LOT

A lot the area or dimension of which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE

A use, whether of a building, sign or tract of land, or combination of these, legally existing on the effective date of this chapter, which does not conform to the present use regulations of the district in which it is located but which is continuously maintained after the effective date of these regulations.

NURSERY SCHOOL

A building or buildings, together with any accessory uses, buildings or structures, used as an organized instructional facility for five or more enrolled children under six years of age other than the children of the resident family and not furnishing sleeping facilities except to the resident family.

OFF-PREMISES SIGN

Any sign that identifies, advertises or calls attention to a business or activity taking place on property other than the premises on which the sign is located.

[Added 11-29-1994 by L.L. No. 25-1994]

OFF-STREET PARKING SPACE

A space for the parking of one motor vehicle within a public or private parking area, but not within a public street.

ON-FARM DIRECT MARKETING BUILDING

An on-farm building, or part of a building, used for the direct farm marketing of agricultural products and processed agricultural products from a single farm operation.

[Added 4-25-2017 by L.L. No. 5-2017]

ON-FARM OPERATION DIRECT MARKETING

The sale of raw or processed agricultural products that are produced by a bona fide farm operation or a bona fide aquaculture/mariculture farm operation directly to consumers.

[Added 4-25-2017 by L.L. No. 5-2017]

OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OUTDOOR PAVILLION

A building adjacent to an outdoor recreational facility used for changing clothes and often selling food and beverages.

[Added 4-23-2019 by L.L. No. 3-2019]

OUTDOOR RECREATIONAL FACILITIES

Recreational uses characterized by outdoor activities, including but not limited to stables and riding academies, regulation golf courses and golf-related activities, field sports, tennis and racquet sport clubs, platform sports, baseball batting and pitching cages and swimming pool facilities. It shall not include such activities as gambling, racing, jai alai and amusements park.

[Added 4-23-2019 by L.L. No. 3-2019]

OUTDOOR STORAGE

The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

OWNER

Includes the duly authorized agent, attorney, purchaser, devisee, fiduciary or any other person having vested or contingent interest in the property in question.

PARKING LOT

An off-street, ground level area, surfaced and improved for the temporary storage of motor vehicles.

PARTIAL SELF-SERVICE GASOLINE SERVICE STATION

A gasoline service station primarily for the servicing of motor vehicles and the dispensing of gasoline by means of a qualified attendant controlling an approved console regulating the flow of gasoline into fixed and approved dispensing equipment thereafter to be operated by the customer at one set of pumps on one pump island and by a qualified attendant operating dispensing equipment at all other pump islands.

PATIO

A flat, leveled structure attached to a building by steps, or other construction, and having a base floor area at or below natural grade and open to the sky. A "patio" structure below or at grade is not deemed to be a deck or porch and shall not require a building permit. New step areas to patios, decks, porches, breezeways, etc., will require a building permit. Any other "patio" or similar structure constructed above natural grade also requires a building permit.

[Added 5-31-1994 by L.L. No. 10-1994]

PERFORMANCE GUARANTY

Any security which may be accepted by the Town as a guaranty that improvements required as part of an application for development are satisfactorily completed.

PERSON

Any association, partnership, corporation, cooperative group, trust or other entity, as well as an individual.

PLANNING BOARD

The Planning Board of the Town of Southold.

PLAT

The map of a subdivision.

PRINCIPAL BUILDING

A building in which is conducted the main or principal use of the lot on which said building is located.

PRINCIPAL USE

The main or primary purpose or purposes for which land and/or structure(s) is designed, arranged, used or intended to be used or for which such land and/or structure(s) may be occupied or maintained under this chapter.

PRIVATE WAREHOUSING

A building used for the storage of goods and materials by the owner of the goods and materials for the owner's own use; for example, off-site storage for operations conducted by the owner at another location. No retail sales are permitted at a private warehouse. This is not to include self-storage facilities. For self-storage facilities, see "public warehousing."

[Added 10-14-1999 by L.L. No. 13-1999]

PROCESSED AGRICULTURAL PRODUCT

Agricultural product which has been converted from its original state into a distinct product by techniques such as cooking, distillation, fermentation, crushing and straining. Examples of processed agricultural product include, without limitation, jams, jellies, cheeses, potato chips, meats, fowl, fish, wine and other alcoholic beverages. Simple washing, cleaning, arranging or packaging of agricultural products shall not cause the product to be considered "processed" under this definition.

[Added 4-25-2017 by L.L. No. 5-2017]

PROFESSIONAL OFFICE

The office of a member of a recognized profession or occupation, including architects, artists, authors, dentists, doctors, lawyers, ministers, musicians, optometrists, engineers and such other similar professions or occupations which may be so designated by the Board of Appeals.

PUBLIC WAREHOUSING

A building or buildings used primarily for the storage of goods and materials and available to the general public for a fee; for example, self-storage facilities. No sales (either wholesale or retail) are permitted in public warehousing.

[Added 10-14-1999 by L.L. No. 13-1999]

PUBLIC WATER: PUBLIC SEWER

Communal sewage disposal systems and communal water supply systems as approved by public agencies having jurisdiction thereof.

RECREATIONAL FACILITIES

Recreational uses characterized by predominately outdoor activities by patrons, including but not limited to stables and riding academies, regulation golf courses and golf-related activities, tennis and racquet sport clubs, platform sports, baseball batting and pitching cages and swimming pool facilities. It shall not include such activities as racing, jai alai and amusements parks.

[Added 4-28-1997 by L.L. No. 6-1997]

RECREATION FACILITY, COMMERCIAL

An indoor or outdoor privately operated business involving playing fields, courts, arenas or halls designed to accommodate sports and recreational activities, such as billiards, bowling, dance halls, gymnasiums, health spas, skating rinks, shooting ranges, tennis courts and swimming pools.

RECREATION FACILITY, MAJOR

An indoor and/or outdoor privately run business, which may involve large playing fields, courts, arenas, stadia or halls, designed to accommodate sports and recreational activities, sports educational facilities and athletic competitions, including but not limited to cheerleading indoor/outdoor facilities, skating rinks, swimming pools, basketball, baseball batting and pitching cages, tennis, handball, pickle ball and squash facilities, billiard parlors, bowling alleys, health spas and clubs, arcades, gymnasiums, community centers, and uses normally accessory and incidental to commercial recreation, such as locker rooms. A membership fee may or may not be charged to patrons.

[Added 4-23-2019 by L.L. No. 3-2019]

RECREATION FACILITY, MINOR

Fully enclosed indoor recreation facility that provides soccer, baseball, basketball, tennis, cheerleading, swimming and other sport activities instruction or education to participants in multiple classes, sessions or events. Facilities are open to members, participants and guests only. A member, participant or guest charge may be applied. Recreational uses shall not include gambling, racing and amusement parks.

[Added 7-30-2019 by L.L. No. 12-2019]

RECREATIONAL VEHICLE

A vehicular-type portable structure, without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use, and including but not limited to travel trailer, truck campers, camping trailers and self-propelled motor homes.

RENTAL PERMIT

A permit issued by the Chief Building Inspector to the owner to allow use and occupancy of a lawfully existing accessory apartment.

[Added 6-15-2010 by L.L. No. 2-2010]

RESEARCH LABORATORY

A building for experimentation in pure or applied research, design, development and production of prototype machines or devices or of new products, and uses accessory thereto, wherein products are not manufactured for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed and where there is no display of any materials or products.

RESIDENTIAL CLUSTER

An area to be developed as a single entity according to a plan, containing residential housing units and having a common or public open space.

RESTAURANT

Any premises other than take-out or formula food restaurants where food is commercially sold for on-premises consumption to patrons seated at tables or counters.

[Amended 5-16-1994 by L.L. No. 9-1994]

RESTAURANT, FORMULA FOOD

A restaurant business required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, decor, external facade or uniforms.

[Added 5-16-1994 by L.L. No. 9-1994]

RESTAURANT, TAKE-OUT

Any establishment other than a formula food restaurant, whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, usually served in paper, plastic or other disposal containers, for consumption within the restaurant building, elsewhere on the premises or for carryout for consumption off the premises.

[Amended 5-16-1994 by L.L. No. 9-1994]

RETAIL STORE

An enclosed structure where goods are offered for sale to the public as take-out items, including hardware, drugs, food and beverages, furnishings, apparel and similar products. Minor repair services within the establishment may be undertaken as part of product sales.

RETAINING WALL

A structure or barrier, the intended use for which is to separate and act as a barrier between two areas of earthen material.

[Added 7-13-1993 by L.L. No. 14-1993]

RIGHT-OF-WAY LINES

The boundary lines of land used or intended for use as streets, as shown on deeds, plats or the Master Plan, and from which yard and other requirements shall be measured.

ROADSIDE FARM STAND or AGRICULTURAL STAND

A booth, stall or display area exceeding 50 square feet in area located on a farm from which agricultural products are sold to the general public.

ROADSIDE STAND

A display area less than 100 square feet in area located on a parcel on which fruits, vegetables or plants are home grown and sold to the general public.

[Added 4-25-2017 by L.L. No. 5-2017]

SEPTIC TANK

A watertight receptacle that receives the discharge of sewage from a building, sewer or part thereof and is designed and constructed so as to permit settling of solids, digestion of the organic matter and discharge of the liquid portion into a disposal area.

SETBACK

An area extending the full width of the lot, described or a distance between the street right-of-way and building for the full required front yard depth within which no buildings or parts of buildings may be erected.

SHOPPING CENTER

A group of retail and service businesses which have an integrated architectural and site design and which have an anchor tenant consisting of either a supermarket or a department store if the anchor tenant encompasses a minimum of 25,000 square feet of area.

[Added 5-16-1994 by L.L. No. 9-1994]

SIGN

Any structure or part thereof, or any device attached to a building or painted or represented thereon,

which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag or representation which is in the nature of, or which is used as, an announcement, direction or advertisement, for commercial purposes or otherwise. A "sign" includes a billboard and a neon tube, string of lights or similar device outlining or hung upon any part of a building or lot, but does not include the flag or insignia of any nation or group of nations or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. Excluded from this definition are "signs" which are solely devoted to prohibiting trespassing, hunting or fishing.

SIGN AREA

Includes all faces of a sign, measured as follows:

[Amended 11-29-1994 by L.L. No. 25-1994]

- (1) When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.
- (2) When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area that encompasses all the letters and symbols of the sign, together with the area of any background of a color or material different from the general finish of the building, whether painted or applied.

SITE PLAN

A development plan for one or more lots on which is shown:

- (1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways.
- (2) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices.
- (3) Any other information that may be reasonably required in order to make an informed determination pursuant to this chapter for the review and approval of site plans by the Planning Board.

SKY PLANE OF LOT

The sky plane is formed by imaginary lines starting at all property lines parallel or adjacent to the building or structure at 10 feet above the average elevation of the natural grade (prior to any grade alteration or fill) and extending inward toward the center of the lot at a 45° angle.

[Added 10-18-2022 by L.L. No. 10-2022; amended 12-13-2022 by L.L. No. 16-2022]

SLOPING ROOF

Any roof that has a pitch equal to or greater than 3:12.

[Added 1-16-2007 by L.L. No. 2-2007]

SMALL WIND ENERGY SYSTEM

A wind energy conversion system consisting of a wind turbine (not to exceed 125 kilowatts of production), a tower, and associated control or conversion electronics, which has a rated capacity intended primarily to reduce on-site consumption of utility power.

[Added 7-17-2007 by L.L. No. 15-2007; amended 5-24-2011 by L.L. No. 6-2011]

SNACK BAR

A small area located within a principal building where quick-serve and preprepared foods and beverages are sold over a counter.

[Added 4-23-2019 by L.L. No. 3-2019]

SPECIAL EXCEPTION USE

A use that is deemed appropriate in a particular district if specified conditions are met.

STORY

That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

STORY, HALF

Any space, with a minimum clear height of five feet, partially within the roof framing where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven feet six inches or more.

STREET

A street, improved to the satisfaction of the Planning Board, which is one of the following:

- (1) An existing Town, county or state highway or street.
- (2) A street shown on an approved subdivision final plat.
- (3) A street shown on a map filed with the County Clerk (in accordance with § 280-a of the Town Law) prior to Planning Board authorization to review subdivisions.
- (4) A street shown on the Town Official Map.

STREET LINE

The dividing line between a lot and a street.

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as beams, columns, girders, footings, foundations or bearing walls.

STRUCTURE

An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings, antenna support structures, and small wind-energy systems.

[Added 12-8-1998 by L.L. No. 27-1998; amended 10-20-2009 by L.L. No. 13-2009]

SWIMMING POOL

A structure containing an artificial body of water which is greater than six feet long or wide and greater than 18 inches in depth at any point. Natural or man-made ponds all banks of which have a slope of less than 45° shall not be included in this definition.

TELECOMMUNICATION TOWER

A telecommunication tower is a type of wireless communication facility designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting tower, guy-wire

support tower and other similar structures. A wireless communication facility attached to an existing building or structure shall be excluded from this definition.

[Added 11-12-1997 by L.L. No. 26-1997]

TOURIST CAMP

Any lot, piece or parcel of ground where two or more tents, tent houses, camp cottages, house cars or house trailers used as living or sleeping quarters are or may be located, said camp being operated for or without compensation.

TOURIST COTTAGE

A detached building having less than 350 square feet of cross-sectional area, designed for or occupied as living and sleeping quarters for seasonal occupancy.

TOWN BOARD

The Town Board of the Town of Southold.

TOWNHOUSE

A dwelling unit in a building containing at least three connected dwelling units divided by common vertical party walls with private entrances to each dwelling. A townhouse may include dwelling units owned in fee simple or in condominium or cooperative ownership or any combination thereof.

TRAILER OR MOBILE HOME

Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "trailer" shall include such vehicles if mounted on temporary or permanent foundations with the wheels removed and shall include the terms "automobile trailer" and "house car."

TRANSIENT RENTAL AMENITY

The rental of any parcel amenity, accessory use or yard area, including pools, barns, sports courts or waterway access, not in conjunction with a valid dwelling or dwelling unit rental occupancy permit.

TRANSIENT RENTAL PROPERTY

[Added 8-25-2015 by L.L. No. 7-2015]

- (1) A dwelling unit which is occupied for habitation as a residence by persons, other than the owner or a family member of the owner, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation for a period of less than ~~14~~ **30 days-nights**. For the purposes of this chapter, the term "transient rental property" shall ~~mean all non-owner-occupied, single-family residences, two-family residences, and townhouses rented for a period of less than 14 nights and shall~~ not include:
 - (a) Any legally operating commercial hotel/motel business or bed-and-breakfast establishment operating exclusively and catering to transient clientele; that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.
 - (b) A dwelling unit located on Fishers Island, due to the unique characteristics of the Island, including the lack of formal lodging for visitors.
- (2) The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:

- (a) The dwelling unit is offered for lease on a short-term rental website, including Airbnb, HomeAway, VRBO and the like; or
- (b) The dwelling unit is offered for lease in any medium for a period of less than ~~14~~ **30 days-nights**.
- (3) The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Officer for the Town of Southold or **Town Justice** that the dwelling unit is not a transient rental property.

USABLE OPEN SPACE

An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, the minimum dimension of which is 40 feet and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation.

USE

The purpose for which land or a structure is arranged, designed or intended or for which either land or a structure is or may be used, occupied or maintained.

USE, ACCESSORY

A use customarily incidental and subordinate to the main use on a lot, whether such accessory use is conducted in a principal or accessory building.

WIRELESS COMMUNICATION FACILITY

Antenna or antenna support structure and base equipment, either individually or together, including permanent or temporary movable facilities (i.e., wireless facilities mounted on vehicles, boats or other mobile structures) used for the provision of any wireless service.

[Added 11-12-1997 by L.L. No. 26-1997; amended 2-2-1999 by L.L. No. 3-1999; 10-20-2009 by L.L. No. 13-2009]

WIRELESS COMMUNICATIONS

Any radio transmission and/or receiving service or use, including, but not limited to, personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial telephone services, personal communication services, specialized mobile radio, enhanced specialized mobile radio, paging and similar services that currently exist or that may in the future be developed.

[Added 11-12-1997 by L.L. No. 26-1997; amended 2-2-1999 by L.L. No. 3-1999]

YARD

An open space, other than a court, on the same lot with a building which is, exclusive of trees, shrubs and natural rock formations, unoccupied and unobstructed from the ground upward.

YARD, FRONT

An unoccupied ground area open to the sky on the same lot with a building or structure, extending the full width of the lot and situated between the street line and the front line of the building or structure projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building or structure and the street line.

[Amended 3-28-2000 by L.L. No. 6-2000; 6-29-2021 by L.L. No. 9-2021]

YARD LINE

A line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, PRIMARY FRONT

For principal structures located on corner lots, that portion of said corner lot which has frontage upon one of the streets on which the lot is located and is identified as the primary front yard on plans or by physical layout.

[Added 6-29-2021 by L.L. No. 9-2021]

YARD, REAR

An unoccupied ground area fully open to the sky on the same lot with a building or structure, extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building or structure projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the main building or structure. In the case of corner and through lots, as defined in this chapter, the rear lot line shall be opposite the primary front lot line.

[Amended 6-29-2021 by L.L. No. 9-2021]

YARD, SECONDARY FRONT

For principal structures located on corner lots, that portion of a corner lot which has frontage upon one of the streets on which the lot is located and which is not identified as the primary front yard, shall be deemed the secondary front yard.

[Added 6-29-2021 by L.L. No. 9-2021]

YARD, SIDE

An unoccupied ground area fully open to the sky on the same lot with a building or structure, extending from the rear line of the front yard to the front line of the rear yard and situated between the side line of the main building or structure and the adjacent side line of the lot. In the case of corner lots, as defined in this chapter, lot lines opposite a secondary front lot line shall be deemed a side yard and shall have a minimum width equal to the minimum side yard requirements of the zoning district in which it is located.

[Amended 6-29-2021 by L.L. No. 9-2021]

ZONE

A finite area of land, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

ZONING BOARD

See "Board of Appeals."

ZONING MAP

The map annexed to and made part of this chapter indicating zone boundaries.

§ 280-111 Prohibited uses in all districts.

[Amended 11-24-1992 by L.L. No. 26-1992; 8-8-2006 by L.L. No. 7-2015; 8-25-2015 by L.L. No. 7-2015; 7-31-2018 by L.L. No. 9-2018; 12-14-2021 by L.L. No. 22-2021; 1-18-2022 by Res. No. 2022-117; 10-18-2022 by L.L. No. 9-2022]

- A. Any use which is noxious, offensive or objectionable by reason of the emission of smoke, dust, gas, odor or other form of air pollution or by reason of the deposit, discharge or dispersal of liquid or solid wastes in any form in such manner or amount as to cause permanent damage to the soil and streams or to adversely affect the surrounding area or by reason of the creation of noise, vibration, electromagnetic or other disturbance or by reason of illumination by artificial light or light reflection beyond the limits of the lot on or from which such light or light reflection emanates; or which involves any dangerous fire, explosive, radioactive or other hazard; or which causes injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants; and any other process or use which is unwholesome and noisome and may be dangerous or prejudicial to health, safety or general welfare, except where such activity is licensed or regulated by other governmental agencies.
- B. Artificial lighting facilities of any kind which create glare beyond lot lines.
- C. Uses involving primary production of the following products from raw materials: charcoal and fuel briquettes; chemicals; aniline dyes; carbide; caustic soda; cellulose; chlorine; carbon black and bone black; creosote; hydrogen and oxygen; industrial alcohol; nitrates of an explosive nature; potash; plastic materials and synthetic resins; pyroxylin; rayon yarn; hydrochloric, nitric, phosphoric, picric and sulfuric acids; coal, coke and tar products, including gas manufacturing; explosives; gelatin, glue and size (animal); linoleum and oil cloth; matches; paint, varnishes and turpentine; rubber (natural or synthetic); soaps, including fat rendering; starch.
- D. The following processes:
 - (1) Nitrating of cotton or of other materials.
 - (2) Milling or processing of flour.
 - (3) Magnesium foundry.
 - (4) Reduction, refining, smelting and alloying metal or metal ores.
 - (5) Refining secondary aluminum.
 - (6) Refining petroleum products, such as gasolines, kerosene, naphtha and lubricating oil.
 - (7) Distillation of wood or bones.
 - (8) Reduction and processing of wood pulp and fiber, including paper mill operations.
- E. Operations involving stockyards, slaughterhouses and slag piles.

F. Storage of explosives.

G. Quarries.

H. Storage of petroleum products. Notwithstanding any other provisions of this chapter, storage facilities with a total combined capacity of more than 20,000 gallons, including all tanks, pipelines, buildings, structures and accessory equipment designed, used or intended to be used for the storage of gasoline, fuel oil, kerosene, asphalt or other petroleum products, shall not be located within 1,000 feet of tidal waters or tidal wetlands.

I. Encumbrances to public roads.

(1) No person shall intentionally discharge or cause to be discharged any water of any kind onto a public highway, roadway, right-of-way or sidewalk causing a public nuisance or hazardous condition, or resulting in flooding or pooling in or around the public area, including neighboring properties.

(2) No person shall place or cause to be placed obstructions of any kind, except the lawful parking of registered vehicles, upon a public highway, roadway, right-of-way or sidewalk that unreasonably interferes with the public's use of the public highway, roadway, right-of-way or sidewalk.

J. Transient rental properties **and transient rental amenities.**

K. Aircraft prohibited.

(1) Helicopters prohibited. No person, firm or corporation, except those with prior valid approvals, shall land or cause to be landed, take off or cause to take off or taxi any helicopter on or from the waters, beaches or on any land within the Town of Southold.

(2) Seaplanes prohibited. No person, firm or corporation shall land or cause to be landed, take off or cause to take off, taxi, or emplane or deplane any seaplane on or from Town beaches and waterways, trustee waters and beaches, Town waters, Town docks, and/or floats.

(3) This subsection shall not apply to Town-owned airfields, medical or police emergency landings and takeoffs or aircraft involved in medical or military emergencies, or aircraft involved in operations involving public health and safety.

(4) This subsection shall not apply to the use of aircraft as an accessory use to agricultural production as set forth in § 280-13C(12).